

The logo consists of a dark blue rectangular area with a fine white dot pattern, enclosed within a black rectangular frame. The frame has small perpendicular tick marks at each of the four corners.

# Arizona Judiciary

FY 2004 Budget Presentation





# Constitution Requires Integrated Judicial System

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## Article VI; Section 1 – Judicial Power; Courts

The judicial power shall be vested in an **integrated** judicial department consisting of a supreme court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law, and justice courts.

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# **Chief Justice Has Administrative Supervision Over All Courts**

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**Article VI; Sections 3 and 7 – Supreme court;  
administrative supervision; chief justice**

- ... The chief justice shall exercise the court's administrative supervision over all the courts of the state...**
  - ... The Supreme Court shall appoint an administrative director and staff to assist the chief justice in discharging his administrative duties...**
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# **Constitution Requires Swift, Fair Justice**

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**Article II; Sections 11 and 2.1 and Article VI; Section 21**

**“Justice in all cases shall be administered openly and without unnecessary delay.”**

**A victim has a right “To a speedy trial or disposition and prompt and final conclusion of the case after conviction and sentence.”**

**“Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the date of submission thereof.”**

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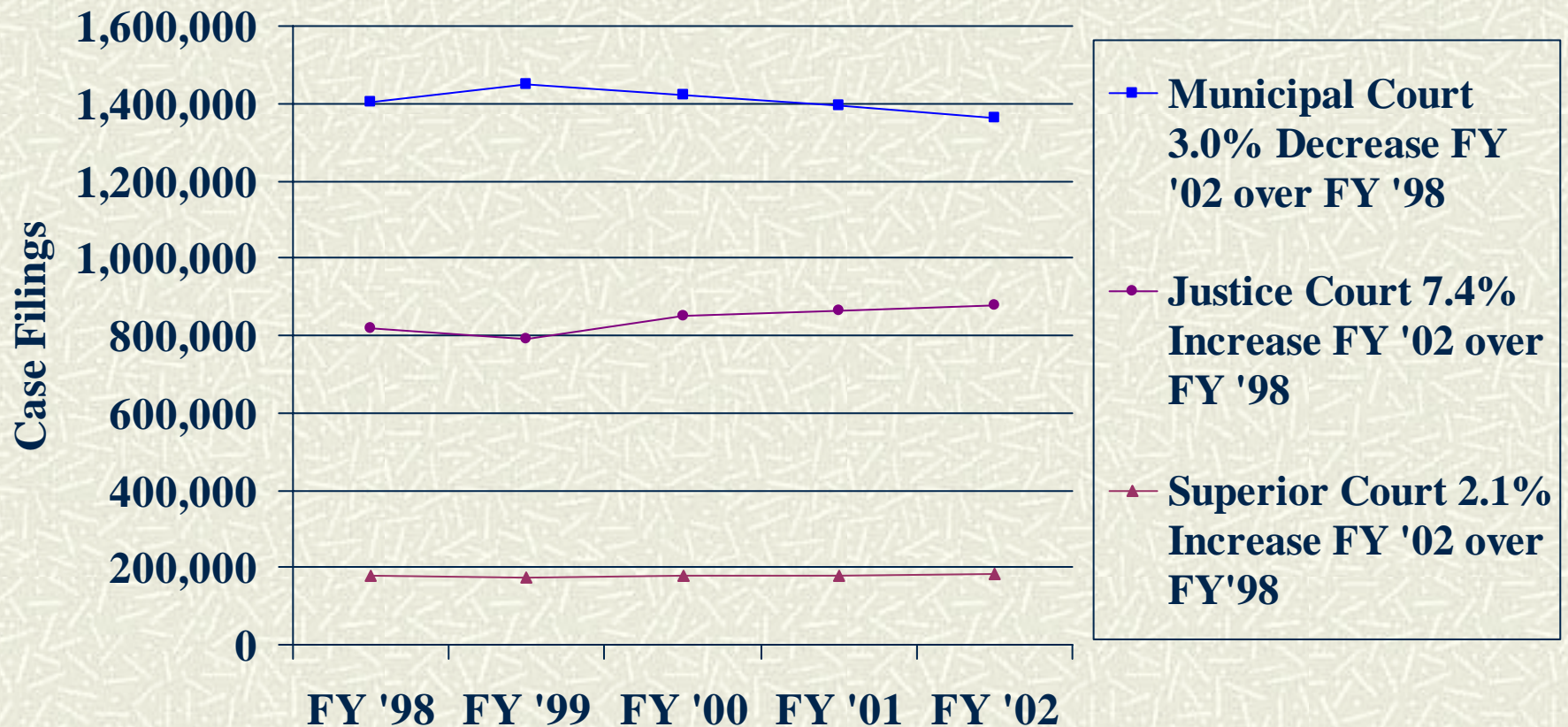


# System in Review

- Filings
- Revenue
- Expenditures



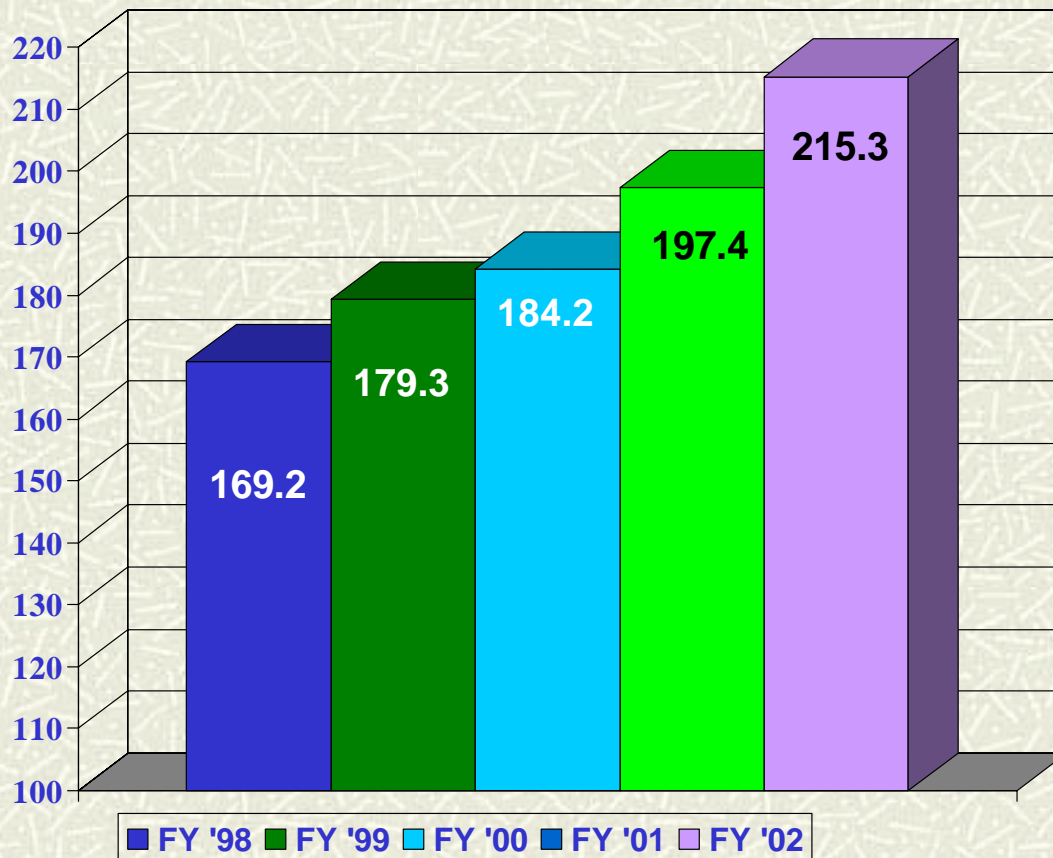
# Statewide Total Five-Year Case Filings



**Statewide Increase 0.8% over FY '98**

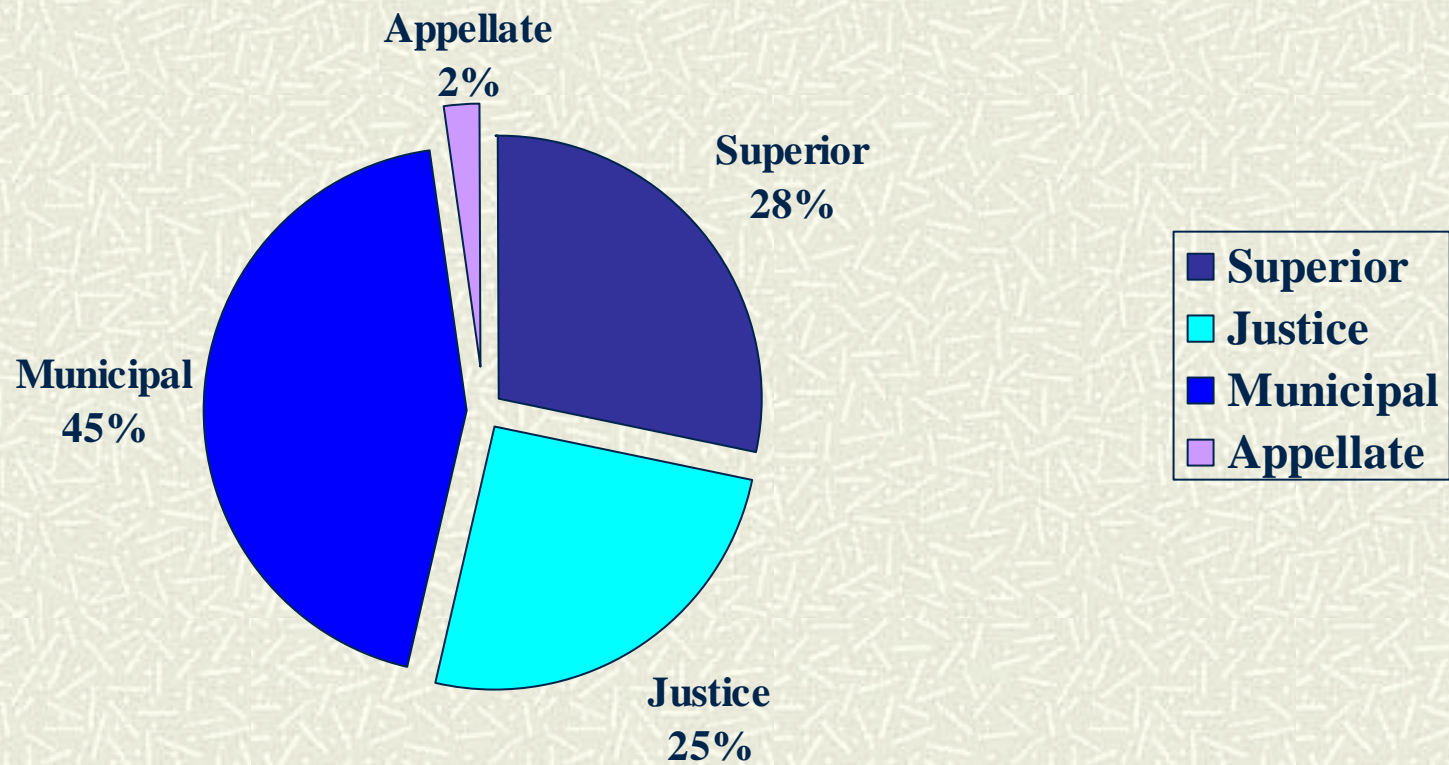


# Revenue Summary



**Total statewide filings increased 0.8% while court revenue increased 27.2%↑ from \$169.2 million in FY '98 to \$215.3 million in FY '02.**

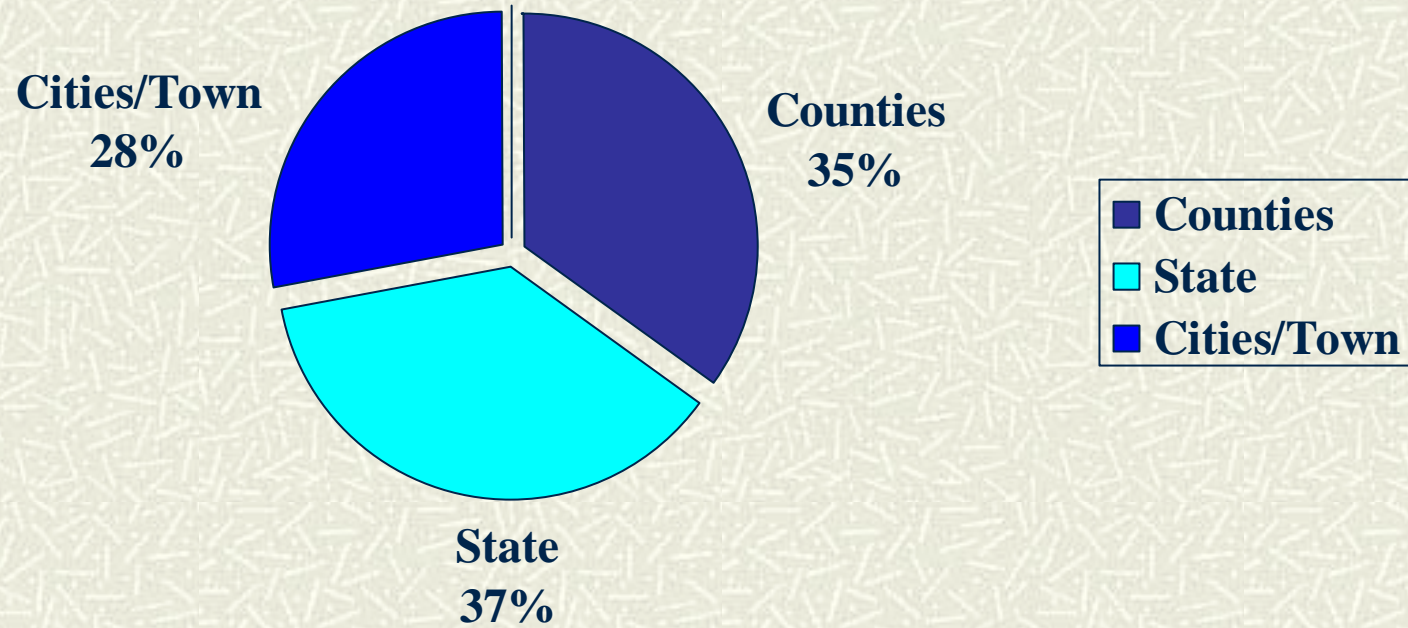
# Revenue Generated





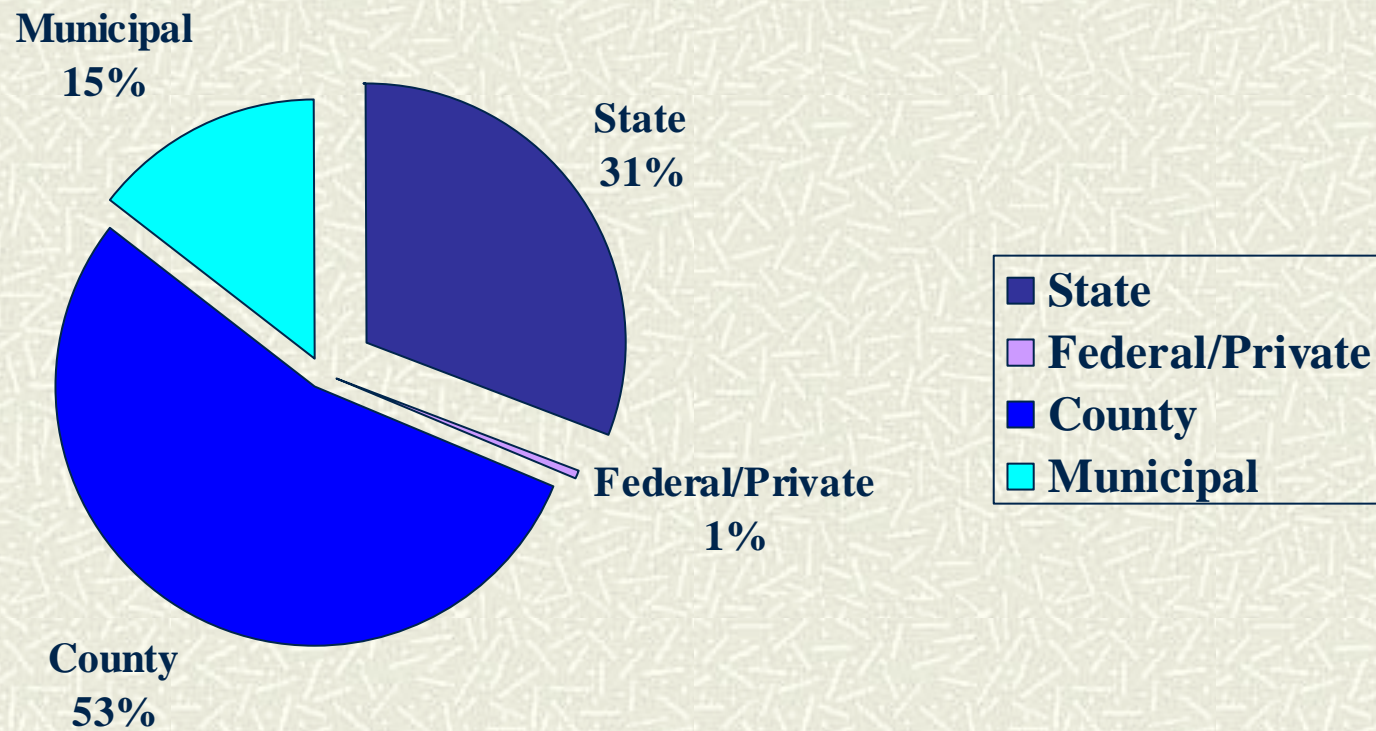
# Revenue Disbursed

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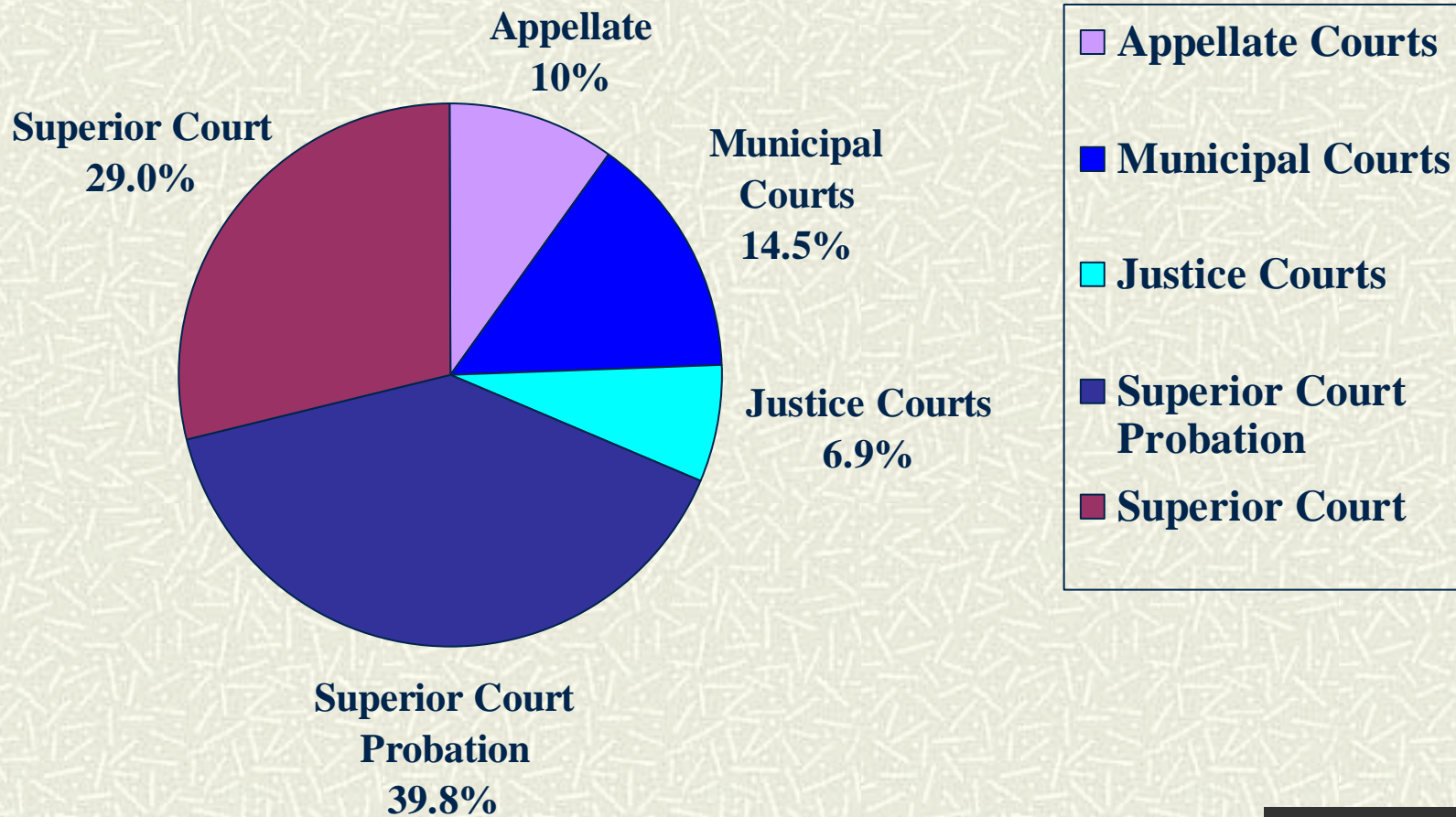
# Expenditures by Source of Funding

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# Expenditures by Court Level



# Who Pays?



59¢ USER

41¢ TAXPAYER

{ 1993

2002

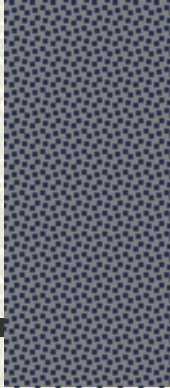
}



66¢ USER

34¢ TAXPAYER





## Cost Per Case Fiscal Year 1993 vs 2002 (without probation)

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FY '93 Actual Cost Per Case	\$106.92
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FY '93 Cost Per Case Adjusted for Inflation	\$133.11
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FY '02 Actual Cost Per Case	\$125.82
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Productivity Gain	\$17,555,400
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# Taxpayer Cost Per Case

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• Net Cost \$103,087,400

• Net Cost Per Case **\$42.51**



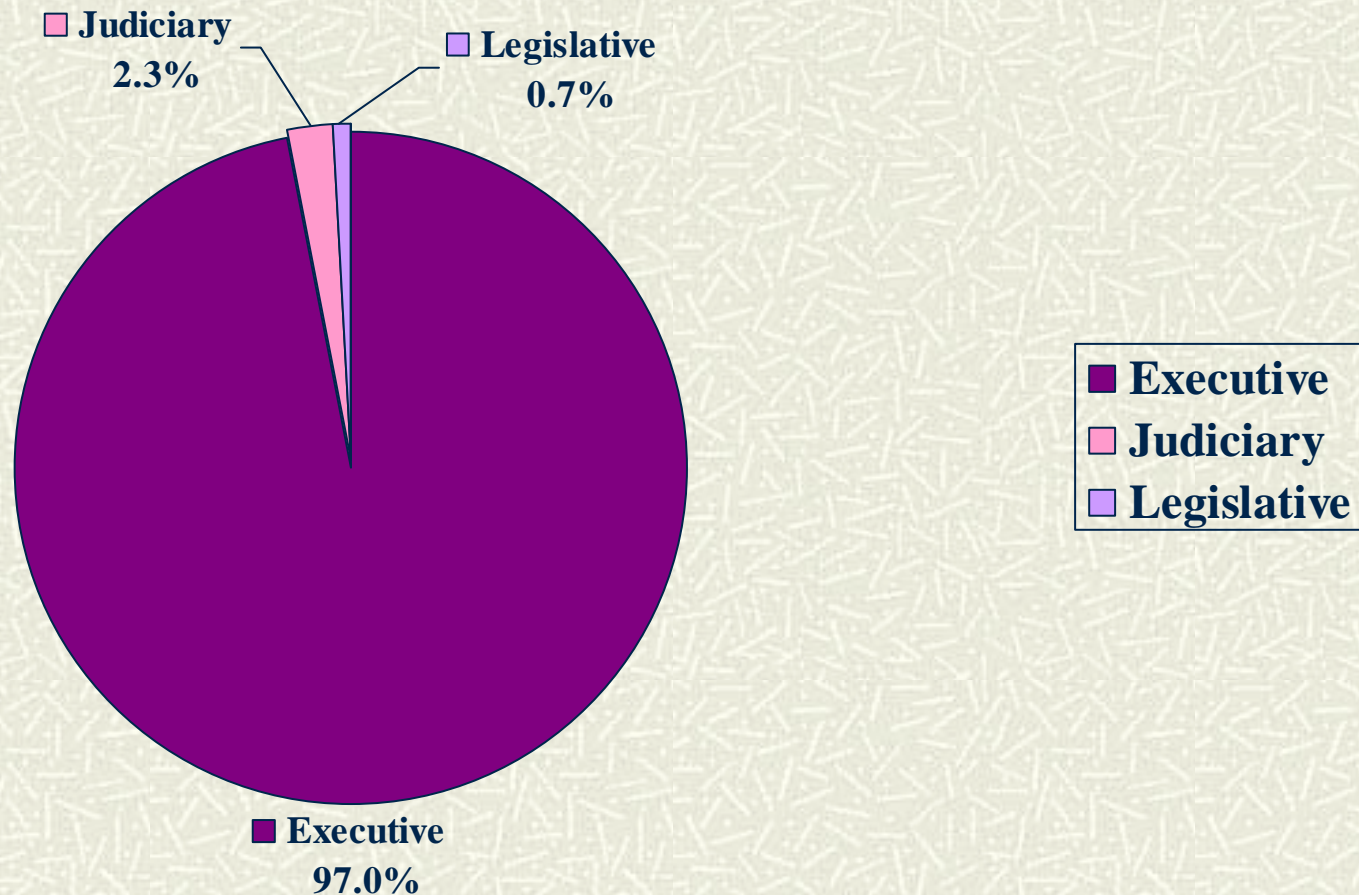


# Summary

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- # Revenue (“Income”) is Up
  - # Filings (“Sales”) are Flat
  - # Costs are Rising Less than Inflation
  - # Users are Paying a Higher % of Cost
-

# Distribution of General Fund Appropriations by Branch of Government







# Focus Today

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The 2.3% of State General Fund  
Primarily Pays for:

- Appellate Courts - 16.4%
  - Superior Court/Probation - 83.6%  
(of this 90.7% goes to fund probation)
-

# FY '02/'03 Budget Reduction Summary

<u>Budget Unit</u>	<u>FY ,02</u>	<u>FY '03</u>	<u>FY '03</u>	<u>Program Total</u>
Supreme Court	359,000	2,145,500	802,400	3,306,900
Court of Appeals	94,100	333,500	229,300	656,900
Superior Court	7,780,200	3,770,100	4,968,300	16,518,600
<b>Total GF Cut</b>	<b>8,233,300</b>	<b>6,249,100</b>	<b>6,000,000</b>	<b>20,482,400</b>
<b>Fund Transfers</b>			1,200,000	1,200,000
<b>Total Judiciary</b>	<b>8,233,300</b>	<b>6,249,100</b>	<b>7,200,000</b>	<b>21,682,400</b>





## FY '02/'03 Budget Reduction Summary

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- # Eliminated Approximately 191 Probation Positions
  - # Eliminated 13 Appellate and Administrative Positions
  - # Forced Vacancy Saving  
(COA cannot meet payroll in FY '04)
  - # Reduced Funds for Sex Offender Supervision
  - # Reduced Drug Testing/Rent/Operating
-

# Budgetary Issues







# Defensive Driving Program

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The Defensive Driving Program  
was created in 1989

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# Defensive Driving Program

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Prior to AOC ...

- # Bribery

- # Unlimited Attendance

- # Poor Quality

- # No Funding for Court Automation/Case Processing Improvements

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# Defensive Driving Program

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The Defensive Driving Program was Created to:

- # Serve as a Sanction/Deterrence to Traffic Law Violators (detention)
  - # Institute a STATEWIDE System to Prevent Repetitive Attendance.
  - # Eliminate Corruption
  - # Educate Drivers on Changes in the Law.
  - # Resolve Court Case via Diversion
  - # Provide Funding to Improve Court Case Processing Including Automation.
-



# Defensive Driving Program

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## Typical Fee

# Cities (fine)	\$60
# School	\$30
# AOC	<u>\$20</u>
# Total	\$110

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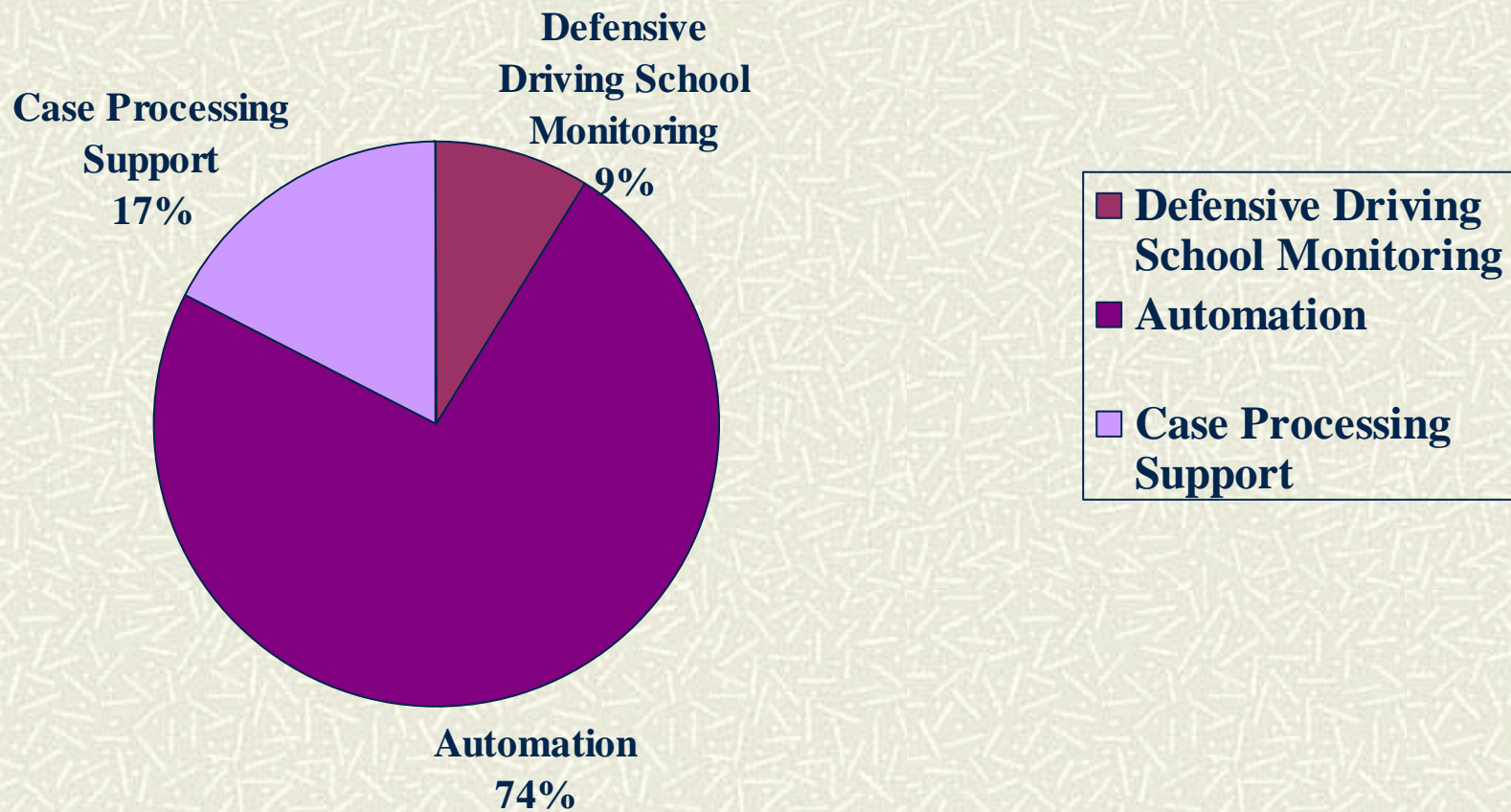
# Defensive Driving Program

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## State Funding – AOC

- # Oversee Training Schools
  - # Operate Control Database
  - # Improve Case Processing
    - Automation/Network
    - Court Audits
    - CAL Hotline and Other Services
-

# Defensive Driving Program







# Defensive Driving Program

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## **Non-Attendees' Increased Percentage Compared to Attendees' Cited for a New Offense**

<b><u>Length of Follow-Up</u></b>	<b><u>Percent Difference</u></b>
3 Months	38.2%
6 Months	21.1%
12 Months	14.2%
18 Months	12.3%
24 Months	8.3%
30 Months	7.6%

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# Defensive Driving Program

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**Juvenile Non-Attendees'  
Increased Percentage Compared  
to Attendees' Cited for a  
New Offense**

**Age**

16 – 17 Years

**Percent Difference**

24.0%

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# Defensive Driving Program

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## Participant Survey

- # 96% - Knowledge of Safe Driving Increased
  - # 95% - Recommend Program to Other Drivers
  - # 52% - Would/Might Contest Citation if Program Not Available
-

# Defensive Driving Program

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## Why Move to MVD Not Good

- # No Cost Savings – Real Cost to Move
  - # Inappropriate for Executive Branch to Resolve Court Cases
  - # Schools Act as an Agent of the Courts
  - # Flow of Money and Reconciliation is Between Schools and Courts ... Not Schools and MVD
  - # Courts Cannot Allow MVD Access to Court Management Records – Potential for Changes/Security Risk
  - # Courts Database Used as Audit Tool to Eliminate Corruption and Ticket Fixing
-





# Defensive Driving Program

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## SUMMARY

- # The Public Likes this Program
  - # The Program is Privatized
  - # The User Pays
  - # This is Not the Time
  - # There is NO PROBLEM TO FIX
-



# Judicial Collection Enhancement Fund

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JLBC Chairmen's Budget Proposal  
Transfers Two Million Dollars in  
State General Fund Cost to JCEF

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# Judicial Collection Enhancement Fund

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Report of the Commission as the Courts:

- # The Supreme Court Should Develop Statewide Long-Term Funding for Technology
  - # Automation Requires Consistent Funding to Develop Systems and Communication Networks
  - # Require More Than One Year to Develop and Require On-Going Funding to Maintain
  - # Pace of Innovation Must Plan for Replacement of Equipment and Software
-



# Judicial Collection Enhancement Fund

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The Judicial Collection Enhancement Fund  
was Created in 1989 to:

- # Improve, Maintain and Enhance Ability to Collect and Manage Monies Assessed or Received
  - # Improve Court Automation Projects Likely to Improve Case Processing or Administration of Justice
-





# Judicial Collection Enhancement Fund

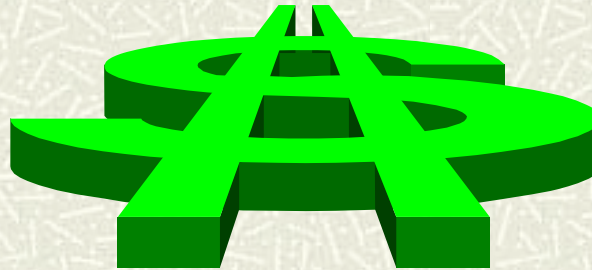
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## Funds Used For:

- # Improved Collections
  - # Improved Case Processing
  - # Superior Court and Appellate Automation
-

# **Additional Monies Collected Above \$70 Million Annually**

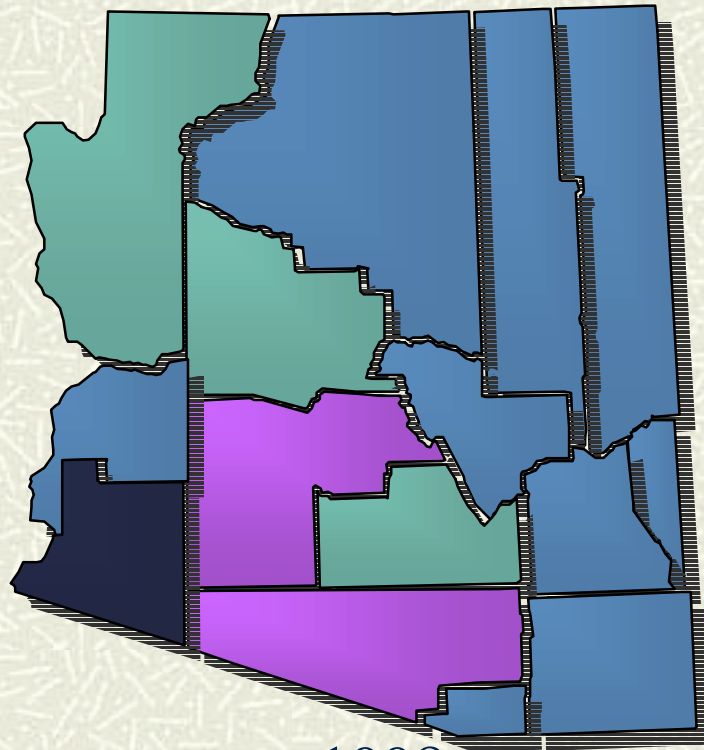
<b>1989</b>	<b>\$ 14,416,900</b>
<b>1990</b>	<b>25,359,800</b>
<b>1991</b>	<b>39,430,200</b>
<b>1992</b>	<b>40,014,700</b>
<b>1993</b>	<b>34,377,800</b>
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<b>2001</b>	<b>127,369,700</b>
<b>2002</b>	<b><u>145,284,600</u></b>
	<b>\$ 982,136,000</b>



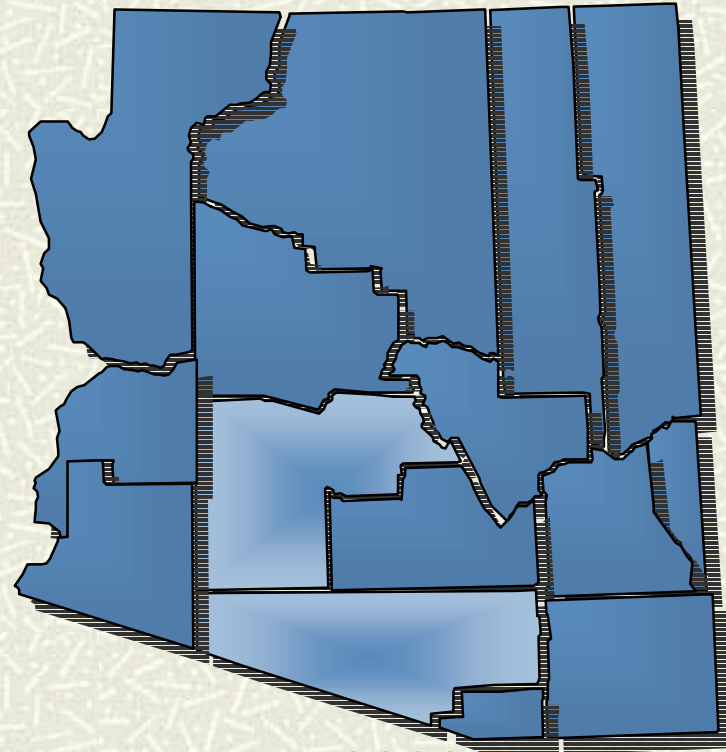


# Statewide Network

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1998



2000

- **Statewide Communications Network**
  - **150 Courts on Std Case Mgmt System**
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# Judicial Collection Enhancement Fund

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## Urban Myth

### Numerous Automation Failures

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# Statewide Automation

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System	Users
<i>ACAP</i> Case Management System	1820 Users 150 Courts
<i>JOLTS</i> Juvenile Court Management	3400 Users 14 Counties
<i>APETS</i> Adult Probation Tracking	1350 Users
<i>TIP</i> Tax Interception Program	114 Courts
<i>Jury Plus</i>	14 Counties
<i>Case Look-up System</i>	776,901 Users 26,278,869 Hits

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# Judicial Collection Enhancement Fund

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## JCEF on the Horizons

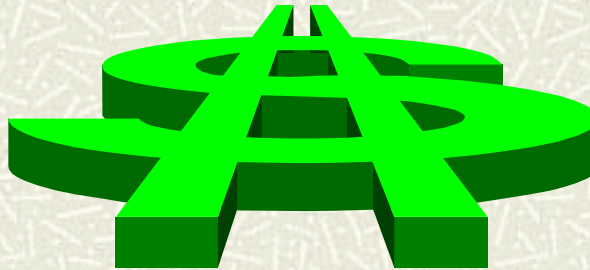
# DPS Criminal Dispositions	Winter 03
# Division One Court of Appeals	Spring 03
# Yuma/Pima Adult Probation	Summer 03
# Pima Superior AZTEC	Summer 03
# Court Financial System	Summer 03-04
# Maricopa Justice Courts	Fall 03

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# **Additional Monies Collected Above \$70 Million Annually**

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**\$ 982,136,000**

# Penalty Enforcement Plan

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	Low Est.	Est.
Phase I: State Tax Intercept Program Expansion	\$ 2 million	\$ 2 million
Phase II: IRS Tax Intercept Program Expansion	23 million	43 million
Phase III: MVD Vehicle Registration Suspension	12 million	40 million
Phase IV: Centralizes Payment Processing Center	<u>14 million</u>	<u>29 million</u>
Total	\$51 million	\$114 million

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# Penalty Enforcement Plan

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Payment Processing  
Tucson Pilot Project  
\$1,721,900 Increase in Five Months

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# Penalty Enforcement Plan

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## Tax Intercept:

# As of February 12, 2002:

3,535 Intercepts	\$ 556,630
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# As of February 12, 2003:

11,576 Intercepts	\$1,625,936
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# Alternative

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With JLBC Defensive Driving and JCEF  
Recommendations

We Cannot Implement  
Penalty Enforcement Program

We Offer A Viable Alternative

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# Judicial Collection Enhancement Fund

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## **Alternative Proposal**

### Replacement Fees:

- # \$5 on Defensive Driving Fee – Repeal After 2.5 Years
  - # \$9 on Court Filing Fees
  - # Implement PEP
-





# Superior Court Probation Public Protection

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Probation Caseload Ratio Change

Drug Treatment and Education Fund

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# Public Protection Probation Caseload Ratio Change

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- # Reductions to Date Have Eliminated Approximately 191 Adult Positions
  - # Proposal Would Eliminate 162 Additional Adult and Juvenile Probation Positions
-



# Public Protection Probation Caseload Ratio Change

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- # Vacancies/FSLA Precludes Officers Working More than 40 Hour Weeks.
  - # Officers are Already Over Their Capacities for Making Probationer Contacts
    - 14%-20% Std-Jips Juvenile
    - 8%-20% Std-IPS Adult
  - # Judges sending “Close Calls” to Prison
-



# Public Protection Probation Caseload Ratio Change

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FY 2002 commitments to DOC  
increased by 1,646 or  
12.4% over FY 2001

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# Public Protection Probation Caseload Ratio Change

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**Contrary:**

**Juvenile Probation to ADJC**

**1998 – 2002**

**Down 46%**

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# Public Protection Probation Caseload Ratio Change

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## Economically

Probation Cost	\$715/year
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Prison Cost	\$23,000
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# Public Protection Probation Caseload Ratio Change

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## SUMMARY

- # Unsupervised Felons in Our Communities
  - # Increased Commitments to Prison
  - # Increased Turnover of Probation Staff
  - # Likely Increase In Lawsuits
-



# Public Protection Drug Treatment and Education Fund

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Established in 1996 as a Result of Initiative  
Provides Treatment and Education Services  
To Substance Abusing Probationers

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# Public Protection Drug Treatment and Education Fund

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Auditor General Evaluation – March 1999

- # Substance Abusers who Complete Treatment more likely to Complete Probation
  - # Probation Completion Rate for Drug Abuse Participants was 85%
  - # Probation Completion Rate for Alcohol Abuse Participants was 80%
-



# Public Protection Drug Treatment and Education Fund

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**Auditor General Recommended  
Continued use of DTEF to Assure  
Treatment Options Available to  
All Probationers**

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# Public Protection Drug Treatment and Education Fund

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## Drug Treatment and Education Fund FY '99

- # \$3,481,000 - Funds Treatment in All Counties
  - # 5,397 Probationers Participated
  - # Cost approximately \$650 per person
-



# Superior Court Probation Public Protection

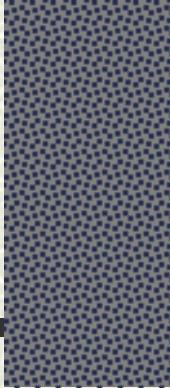
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## Policy Decisions:

# Officer Salary Increases	\$1,391,900
# Officer Safety Program	\$2,910,300
# Transfers to Counties	\$32,000,000

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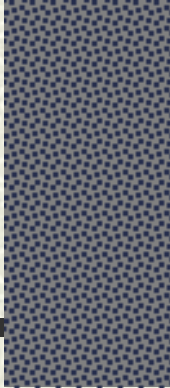


# Superior Court Criminal Case Processing

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## Policy Decisions:

# State Aid to Courts (Fill-the-Gap)	\$1,418,500
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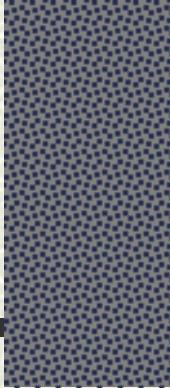
# Superior Court Criminal Case Processing

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## Policy Decisions:

- # Under Threat of Federal Lawsuit
  - # People Were On the Street to Long
  - # Fundamental Core Court Function
-





# Superior Court Criminal Case Processing

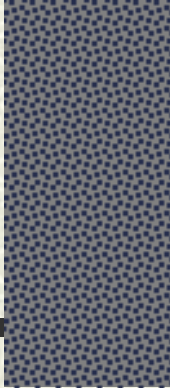
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## **Alternative Proposal**

Replacement Fee:

# \$6 on Court Filing Fees

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# Superior Court Criminal Case Processing

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**Of 37 States with General Jurisdiction  
Courts, Arizona Ranks 25th in the Number  
of Judges per 100,000 Population**

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# **Constitution Requires Swift, Fair Justice**

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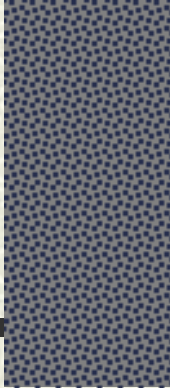
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**“Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the date of submission thereof.”**

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# Superior Court Criminal Case Processing

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**JLBC Recommendation Suspends, as  
Permanent Law, the Statute Specifying  
that Counties Add New Superior Court  
Judgeships for Every 30,000 Residents**

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# Court of Appeals

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## Operating Funds Restoration

To Date:

Division One	\$443,800
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Division Two	\$213,100
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Proposed:

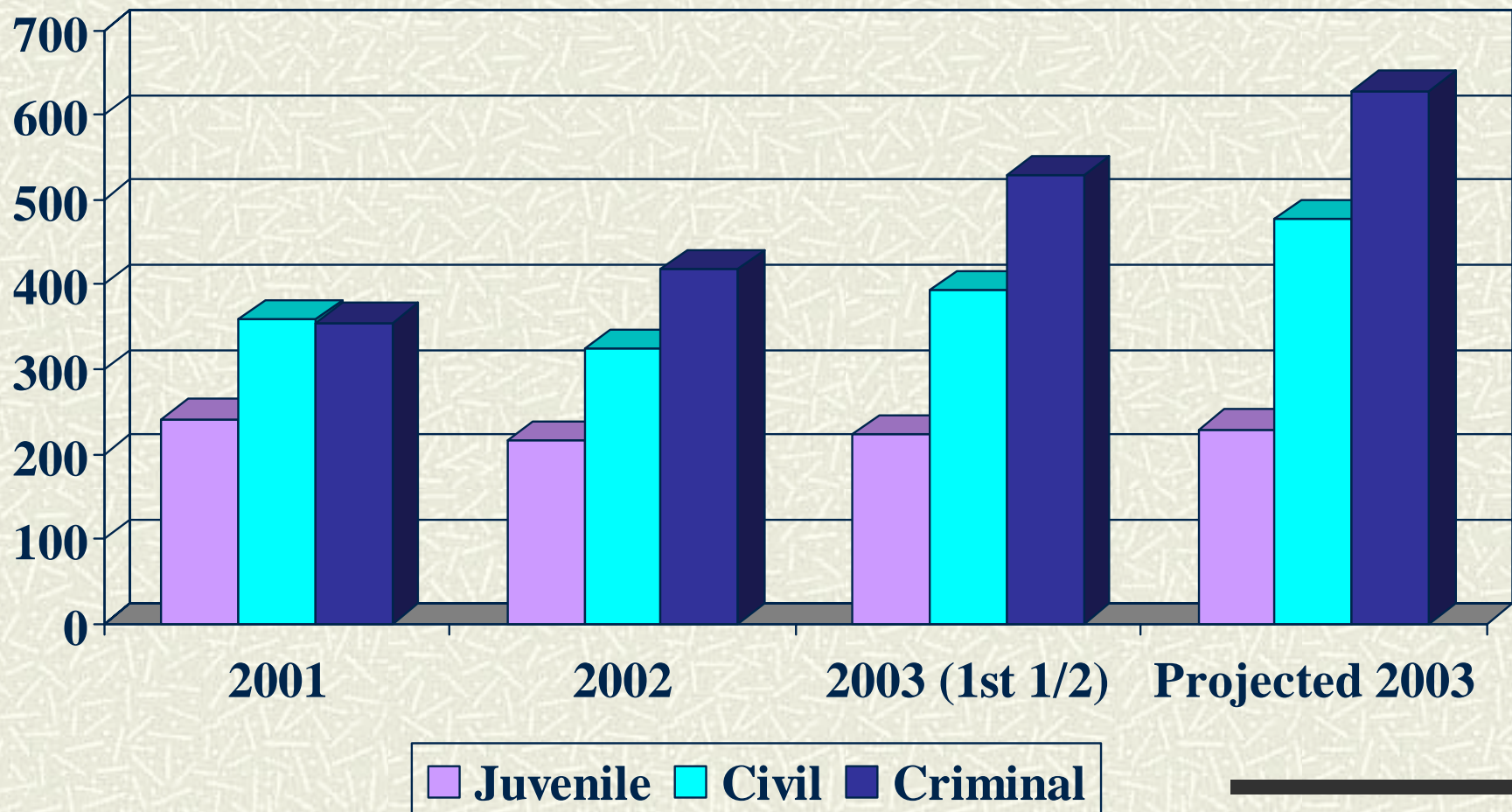
COA I & II	<u>\$311,000</u>
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Total:	<b>\$967,000</b>
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# Growing Delay at Court of Appeals, Division Two

Average No. of Days from Filing to Decision  
for Fiscal Years 2001-2003





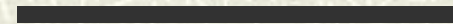


# Special Master – Water Adjudication

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- # Initially Funded by Filing Fees

- # Over 14,400 Claimants





# Special Master – Water Adjudication

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Expenses Pro-Rated Between

- Little Colorado River (14 %) 3,100 Claimants

and

- Gila River (86%) 11,400 Claimants

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# Special Master – Water Adjudication

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Statute (ARS 45-254) Provides that when Fees Are Insufficient to Cover Expenses the State General Fund **shall** be Appropriated to Cover

FY '04 Shortfall

\$20,000

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# **Constitution Requires Swift, Fair Justice**

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# Arizona Judiciary

## FY 2004 Budget Presentation

